

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1835 be amended to read as follows:

- 1 Page 5, between lines 18 and 19, begin a new paragraph and insert:
2 "SECTION 10. IC 4-33-2-17 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. "Riverboat" means
4 **either any** of the following on which lawful gambling is authorized
5 under this article:
6 (1) A self-propelled excursion boat located in a county described
7 in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with
8 IC 4-33-6-6(a).
9 (2) A vessel located in a historic hotel district.
10 **(3) A casino that:**
11 **(A) operates in a county described in IC 4-33-1-1(1) or**
12 **IC 4-33-1-1(2);**
13 **(B) is approved for construction under IC 4-33-6-22; and**
14 **(C) complies with IC 4-33-6-6(c).**
15 SECTION 11. IC 4-33-6-6, AS AMENDED BY P.L.170-2005,
16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2007]: Sec. 6. (a) **Except as provided in subsection (c),** a
18 riverboat that operates in a county described in IC 4-33-1-1(1) or
19 IC 4-33-1-1(2) must:
20 (1) have either:
21 (A) a valid certificate of inspection from the United States
22 Coast Guard for the carrying of at least five hundred (500)
23 passengers; or
24 (B) a valid certificate of compliance with marine structural and

1 life safety standards determined by the commission; and
 2 (2) be at least one hundred fifty (150) feet in length.

3 (b) This subsection applies only to a riverboat that operates on the
 4 Ohio River. A riverboat must replicate, as nearly as possible, historic
 5 Indiana steamboat passenger vessels of the nineteenth century.
 6 However, steam propulsion or overnight lodging facilities are not
 7 required under this subsection.

8 **(c) A riverboat (as defined by IC 4-33-2-17(3)) that is approved**
 9 **for construction under section 22 of this chapter must be**
 10 **constructed in accordance with all applicable building codes.**

11 SECTION 12. IC 4-33-6-22 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2007]: **Sec. 22. (a) As used in subsections (c) and (d), "riverboat"**
 14 **has the meaning set forth in IC 4-33-2-17(3).**

15 **(b) This section does not apply to the construction of a riverboat**
 16 **described in IC 4-33-2-17(1) or IC 4-33-2-17(2).**

17 **(c) After June 30, 2007, a licensed owner must apply for and**
 18 **receive the commission's approval before constructing a new**
 19 **riverboat.**

20 **(d) The commission may not approve an application submitted**
 21 **under this section unless the licensed owner's new riverboat will be**
 22 **located within three hundred (300) yards of the licensed owner's**
 23 **dock.**

24 **(e) The commission shall adopt rules governing the procedure**
 25 **a licensed owner must follow to apply for the approval required by**
 26 **this section.**

27 SECTION 13. IC 4-33-6-23 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2007]: **Sec. 23. (a) As used in subsections (c) and (d), "riverboat"**
 30 **has the meaning set forth in IC 4-33-2-17(3).**

31 **(b) This section does not apply to a riverboat described in**
 32 **IC 4-33-2-17(1) or IC 4-33-2-17(2).**

33 **(c) This section applies only to a riverboat that is:**

34 **(1) approved for construction under section 22 of this chapter;**
 35 **and**

36 **(2) constructed after June 30, 2007.**

37 **(d) A licensed owner may not conduct gambling operations on**
 38 **a riverboat subject to this section unless the licensed owner pays to**
 39 **the commission a fee of fifty million dollars (\$50,000,000).**

40 **(e) The commission shall transfer all fees collected under this**
 41 **section to the treasurer of state for deposit in the Hoosier hope**
 42 **trust fund established under IC 21-48-6."**

43 Page 34, between lines 21 and 22, begin a new paragraph and insert:
 44 "SECTION 23. IC 6-3-2-21 IS ADDED TO THE INDIANA CODE
 45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 46 UPON PASSAGE]: **Sec. 21. (a) As used in this section, "recipient"**
 47 **has the meaning set forth in IC 21-48-2-13.**

(b) As used in this section, "Hoosier hope grant" has the meaning set forth in IC 21-48-2-8.

(c) The amount of a recipient's obligation to repay a Hoosier hope grant that is deferred or waived in a particular taxable year under IC 21-48-4 is exempt from the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 as income of the recipient."

Page 38, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 25. IC 21-48 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 48. HOOSIER HOPE SCHOLARSHIP

Chapter 1. Legislative Findings

Sec. 1. The general assembly finds the following:

(1) Forty-five percent (45%) of all students graduating from a public college or university in Indiana with a postsecondary degree leave Indiana upon graduation.

(2) Indiana ranks forty-fourth among all states for its share of residents at least twenty-five (25) years of age who have a baccalaureate degree.

(3) As current workers reach retirement age and Indiana's economy continues to change to meet the demands of the twenty-first century, Indiana employers will need an increasing number of highly educated workers.

(4) A scholarship program that encourages outstanding students to pursue higher education opportunities within this state and to enter this state's workforce in their chosen field of study upon graduation will improve the overall quality of life for all Indiana residents and stimulate economic growth in this state.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Academic year" has the meaning set forth in IC 20-12-21-3(1).

Sec. 3. "Applicant" means a student in grade twelve (12) who applies for acceptance into the Hoosier hope scholars program.

Sec. 4. "Commission" means the state student assistance commission established by IC 20-12-21-4.

Sec. 5. "Eligible institution of higher learning" means:

(1) a state educational institution (as defined in IC 20-12-0.5-1); or

(2) a private institution of higher education (as defined in IC 20-12-63-3).

Sec. 6. "Full-time student" means an individual enrolled in an eligible institution of higher learning for at least twelve (12) semester credit hours in each enrollment period of an academic year at a semester based institution, or an equivalent number of

hours at an institution using a different grading period.

Sec. 7. "Fund" means the Hoosier hope scholarship fund established by IC 21-48-5-1.

Sec. 8. "Hoosier hope grant" means the amount of financial assistance awarded under IC 21-48-3 to a recipient in an academic year.

Sec. 9. "Hoosier hope scholar" means an applicant who has been accepted into the Hoosier hope scholars program.

Sec. 10. "Qualified employment" means full-time employment within Indiana as determined under criteria developed by the commission.

Sec. 11. "Recipient" means a Hoosier hope scholar who is awarded a Hoosier hope grant under IC 21-48-3.

Sec. 12. "Trust" means the Hoosier hope trust fund established under IC 21-48-6.

Sec. 13. "Trustee" means a trustee of the Hoosier hope trust fund.

Chapter 3. Hoosier Hope Scholars Program

Sec. 1. The Hoosier hope scholars program is established.

Sec. 2. (a) To be accepted into the Hoosier hope scholars program, an applicant must:

- (1) be a resident of Indiana as determined by the commission;
- (2) be enrolled in grade twelve (12) or its equivalent at:
 - (A) a public or nonpublic accredited school in Indiana; or
 - (B) a nonaccredited nonpublic school in Indiana;
- (3) qualify as an outstanding scholar under the criteria established by the commission;
- (4) intend to pursue a course of study at an eligible institution of higher learning that will lead to a baccalaureate or associate degree;
- (5) intend to reside in Indiana and maintain qualified employment for at least three (3) years following the attainment of a baccalaureate or associate degree; and
- (6) fulfill any other requirements established by the commission.

(b) The commission shall establish criteria for determining whether an applicant is an outstanding scholar. The criteria must include:

- (1) SAT or ACT scores; and
- (2) cumulative high school grade point averages.

(c) The commission shall develop criteria governing the acceptance of applicants who are enrolled in a nonaccredited nonpublic school in Indiana.

Sec. 3. (a) A Hoosier hope scholar is eligible to receive an initial Hoosier hope grant in an amount determined under section 5 of this chapter if the student:

- (1) enrolls as a full-time student in a baccalaureate or

1 associate degree program at an eligible institution of higher
2 learning in the academic year immediately following the
3 scholar's high school graduation; and

4 (2) agrees in writing to reside in Indiana and maintain
5 qualified employment for at least three (3) years following the
6 attainment of a baccalaureate or associate degree.

7 (b) A Hoosier hope scholar who does not enroll at an eligible
8 institution of higher learning in the academic year immediately
9 following the scholar's high school graduation may be granted a
10 deferral by the commission for up to two (2) academic years. The
11 commission shall develop criteria for granting deferrals under this
12 subsection.

13 Sec. 4. A Hoosier hope grant must be renewed each academic
14 year under procedures developed by the commission. To qualify
15 for a grant renewal under this section, a recipient must:

16 (1) remain enrolled as a full-time student in a baccalaureate
17 or associate degree program at an eligible institution of higher
18 learning; and

19 (2) maintain a cumulative grade point average of:

20 (A) at least 3.0 on a 4.0 grading scale; or

21 (B) an equivalent average as determined by the recipient's
22 eligible institution of higher learning.

23 Sec. 5. (a) The commission shall determine the amount of each
24 grant awarded under this chapter.

25 (b) Subject to section 9 of this chapter, a Hoosier hope scholar
26 enrolled in an associate degree program at an eligible institution of
27 higher learning may be awarded a grant in the amount of two
28 thousand five hundred dollars (\$2,500) per academic year in not
29 more than two (2) consecutive academic years.

30 (c) Subject to section 9 of this chapter, a Hoosier hope scholar
31 enrolled in a baccalaureate degree program at an eligible
32 institution of higher learning may be awarded a grant in the
33 amount of five thousand dollars (\$5,000) per academic year in not
34 more than four (4) consecutive academic years.

35 (d) Subject to section 9 of this chapter and subsection (e), a
36 Hoosier hope scholar who:

37 (1) completes or transfers from an associate degree program
38 at an eligible institution of higher learning; and

39 (2) enrolls in a baccalaureate degree program during the next
40 academic year at an eligible institution of higher learning;
41 may be awarded up to five thousand dollars (\$5,000) per academic
42 year for two (2) consecutive years that the scholar is enrolled in the
43 baccalaureate degree program and eligible to renew a grant under
44 this chapter.

45 (e) The total amount of the grants awarded to a Hoosier hope
46 scholar under this chapter may not exceed twenty thousand dollars
47 (\$20,000).

1 **Sec. 6. A Hoosier hope grant may be used by a recipient at any**
 2 **eligible institution of higher learning to defray any qualified higher**
 3 **education expenses (as defined in IC 21-9-2-19.5).**

4 **Sec. 7. (a) The amount of a Hoosier hope grant may not be**
 5 **reduced because a recipient receives other scholarships or forms**
 6 **of financial aid.**

7 **(b) The amount of any other state financial aid received by a**
 8 **recipient may not be reduced because the recipient receives a**
 9 **Hoosier hope grant.**

10 **Sec. 8. (a) The commission shall determine the number of**
 11 **Hoosier hope grants available in an academic year based on the**
 12 **amount of money available in the fund.**

13 **(b) Hoosier hope grants shall be awarded on a competitive basis.**
 14 **Subject to subsection (c), priority shall be given to grant renewals**
 15 **under section 4 of this chapter if the number of scholarship**
 16 **applicants exceeds the number of available grants.**

17 **(c) Each academic year, the commission shall reserve at least**
 18 **twenty percent (20%) of the available grants for applicants**
 19 **enrolling in an associate degree program at an eligible institution**
 20 **of higher learning. The number of grants reserved under this**
 21 **subsection shall be determined by the commission.**

22 **Sec. 9. The commission may from time to time adjust the**
 23 **amounts awarded under section 5 of this chapter to reflect**
 24 **increased tuition costs at state educational institutions.**

25 **Chapter 4. Employment Requirements**

26 **Sec. 1. (a) A recipient shall repay the commission the total**
 27 **amount of the grants received under this article if the recipient**
 28 **does not:**

29 **(1) complete the specified associate or baccalaureate degree**
 30 **within the time allotted for completing the degree program by**
 31 **the eligible institution of higher learning attended by the**
 32 **recipient; or**

33 **(2) except as provided in section 2 of this chapter, reside in**
 34 **Indiana and maintain qualified employment for at least three**

35 **(3) consecutive years following the calendar year in which the**
 36 **recipient attained the specified associate or baccalaureate**
 37 **degree.**

38 **(b) Except as otherwise provided in this chapter, repayment**
 39 **shall be made to the commission within ten (10) years after the**
 40 **repayment period begins and shall follow a repayment schedule**
 41 **established by the commission.**

42 **(c) For purposes of this chapter, the repayment period begins**
 43 **when a recipient:**

44 **(1) is no longer enrolled in a degree program at an eligible**
 45 **institution of higher learning and has not attained an associate**
 46 **or a baccalaureate degree;**

47 **(2) has attained an associate or a baccalaureate degree but has**

not made a good faith effort to comply with the recipient's written commitment to reside in Indiana and maintain qualified employment for at least three (3) consecutive years following the calendar year in which the recipient attained the specified associate or baccalaureate degree; or
 (3) has been granted a deferment from the repayment obligation by the commission and has not made a good faith effort to comply with the recipient's written commitment to reside in Indiana and maintain qualified employment upon the termination of the deferral period.

Sec. 2. (a) The commission may waive or defer repayment in the event of disability, illness, or other extenuating circumstances, as determined by the commission, that prevent the recipient from fulfilling the employment requirements under this article.

(b) The commission shall grant a deferment from repayment to:

- (1)** a recipient who is assigned military duty outside Indiana; or
- (2)** a recipient whose spouse is assigned military duty outside Indiana.

(c) In determining the length of a deferment period granted under this section, the commission shall consider each recipient's individual circumstances and ability to comply with the recipient's written commitment. Deferments shall be granted in twelve (12) month increments but may not exceed a total of sixty (60) consecutive months.

Sec. 3. The commission may prorate the amount of repayment required under this chapter if the recipient has attained an associate or a baccalaureate degree and has maintained qualified employment for at least one (1) year following the calendar year in which the recipient attained the specified associate or baccalaureate degree.

Sec. 4. As provided in IC 6-3-2-21, the amount of a repayment that is waived or deferred under this chapter is exempt from taxation under IC 6-3-1 through IC 6-3-7.

Chapter 5. Hoosier Hope Scholarship Fund

Sec. 1. (a) The Hoosier hope scholarship fund is established to provide grants to applicants who qualify under this article.

(b) The commission shall hold, administer, and manage the fund.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

- (1)** Amounts transferred to the fund under IC 21-48-6.
- (2)** Appropriations by the general assembly.
- (3)** Grants and gifts intended for deposit in the fund.
- (4)** Interest, premiums, gains, or other earnings on the fund.

(e) The fund is not part of the state treasury and is considered

1 a trust fund for purposes of IC 4-9.1-1-7. Money may not be
 2 transferred, assigned, or otherwise removed from the fund by the
 3 state board of finance, the budget agency, or any state agency other
 4 than the commission.

5 (f) Money remaining in the fund at the end of a state fiscal year
 6 does not revert to the state general fund but remains available to
 7 the commission to be used to award grants under this article.

8 Sec. 2. Money in the fund is continuously appropriated to the
 9 commission for the purposes of this article.

10 Chapter 6. Hoosier Hope Trust Fund

11 Sec. 1. (a) The commission shall establish a Hoosier hope trust
 12 fund to be used for the provision of Hoosier hope grants for the
 13 benefit of the people of Indiana.

14 (b) The trust shall be established as a charitable trust for the
 15 benevolent public purpose provided in this section.

16 (c) The trust consists of money received under IC 4-33-6-23 and
 17 any income that accrues from the investment of that money.

18 Sec. 2. The chairman of the authority shall enter into a trust
 19 agreement on behalf of the authority with the treasurer of state in
 20 conformity with IC 30-4-2-1. Any provision of the trust agreement
 21 entered into under this section that is inconsistent with the
 22 provisions or intent of this chapter is void and of no further force
 23 or effect.

24 Sec. 3. A trust established under this chapter must be an
 25 irrevocable trust and may not be revoked or terminated by the
 26 authority or any other person, nor may it be amended or altered by
 27 the authority or any other person. However, the terms of the trust
 28 must provide that the trust terminates when no funds remain in the
 29 trust.

30 Sec. 4. The treasurer of state shall act as the trustee of the trust.

31 Sec. 5. (a) The trustee shall:

- 32 (1) administer and manage the trust;
- 33 (2) invest the money in the trust; and
- 34 (3) deposit in the trust any interest that accrues from the
 35 investment of these funds.

36 (b) Notwithstanding IC 5-13, the trustee shall invest the money
 37 in the trust not currently needed to meet the obligations of the trust
 38 in the same manner as money is invested by the public employees'
 39 retirement fund under IC 5-10.3-5. However, the trustee may not
 40 invest the money in the trust in equity securities. The trustee shall
 41 also comply with the prudent investor rule set forth in IC 30-4-3.5.
 42 The trustee may contract with investment management
 43 professionals, investment advisors, and legal counsel to assist in the
 44 investment of the trust and may pay the state expenses incurred
 45 under those contracts from the trust.

46 (c) IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to a trust
 47 established under this chapter.

1 (d) Money in the trust at the end of a state fiscal year does not
2 revert to the state general fund.

3 Sec. 6. IC 30-4 (trust code) applies to a trust established under
4 this chapter.

5 Sec. 7. (a) The principal of the trust may not be diminished
6 during the term of the trust.

7 (b) The income that accrues from investment of the trust shall
8 be deposited in the trust.

9 (c) On July 1, 2008, and on July 1 each year thereafter, the
10 treasurer of state shall transfer all interest, premiums, gains, or
11 other earnings accruing to the trust during the preceding state
12 fiscal year to the Hoosier hope scholarship fund.

13 Sec. 8. The statement required under IC 30-4-5-12 is a public
14 record. The attorney general may petition for an accounting as
15 permitted by IC 30-4-5-12.

16 Sec. 9. (a) This section applies if a person does any of the
17 following with respect to a trust created under this chapter:

18 (1) Commits a breach of the trust.

19 (2) Violates the mandate of the trust or trust agreement.

20 (3) Violates a duty imposed by this chapter, the trust
21 agreement, or IC 30-4.

22 (b) The attorney general may petition a court to impose one (1)
23 or more of the remedies described in IC 30-4-5.5-1.

24 Sec. 10. Any records, files, or documents relating to the trust
25 may be examined by the state board of accounts at a time selected
26 by the state board of accounts. The trustee shall upon request of
27 the state board of accounts:

28 (1) produce and submit any records, files, or documents
29 related to the trust; and

30 (2) assist in every way the state board of accounts in its work
31 in making an examination."

32 Renumber all SECTIONS consecutively.

(Reference is to HB 1835 as printed February 20, 2007.)

Representative Turner